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Via ECFS

October 20, 2016

Ex Parte

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25;
Investigation of Certain Price Cap Local Exchange Carrier Business Data Services
Tariff Pricing Plans, WC Docket No. 15-247; Business Data Services in an Internet
Protocol Environment, WC Docket No. 16-143**

Dear Ms. Dortch:

On October 18, 2016 Barry Ohlson and Jennifer Prime of Cox Communications, Inc. ("Cox") and the undersigned met separately with Stephanie Weiner, Senior Legal Advisor to Chairman Wheeler, and Nicholas Degani Wireline Legal Advisor to Commissioner Pai. Barry Ohlson and the undersigned also met with Travis Litman, Senior Legal Advisor to Commissioner Rosenworcel, and Jennifer Prime and the undersigned met with Amy Bender, Wireline Legal Advisor to Commissioner O'Rielly.

In each of these meetings, Cox discussed Chairman Wheeler's proposed BDS rules as outlined in the Fact Sheet released on October 7, 2016.¹ We stated that the Chairman's decision to exclude cable companies and Ethernet services from *ex ante* rate regulation was consistent with the strong record of competition for these services. Although we also concurred in the decision to focus regulatory efforts on incumbent LEC TDM-based BDS, we expressed concern over the decision to impose new regulation on those services on a nationwide basis without any assessment of whether there was sufficient competition in any area to constrain ILEC pricing. We also expressed Cox's concern that a blanket finding that all BDS is a common carrier service would be inconsistent with the record evidence of private carriage and with legal precedent.

¹ Chairman Wheeler's Proposal to Promote Fairness, Competition, and Investment in the Business Data Services Market, available at <https://www.fcc.gov/document/chmn-wheeler-update-business-data-services-rules> ("Fact Sheet")



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If you have any questions, please contact the undersigned.

Respectfully submitted,

/s/ Michael H. Pryor
Michael H. Pryor

cc (via email): S. Weiner
N. Degani
T. Litman
A. Bender